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C O N F I D E N T I A L SECTION 01 OF 02 KUWAIT 001773

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STATE FOR NEA/ARP, LONDON FOR TSOU, PARIS FOR ZEYA

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TAGS: [PGOV](#) [KDEM](#) [KU](#) [FREEDOM](#) [AGENDA](#) [NATIONAL](#) [ASSEMBLY](#)
SUBJECT: FREEDOM AGENDA: BETWEEN DISSOLUTION AND
"GRILLING": LINES DRAWN IN ELECTORAL REFORM STANDOFF

REF: KUWAIT 1744 AND PREVIOUS

Classified By: Ambassador Richard LeBaron for reason 1.4 (d)

¶1. (C) Summary: On May 16, Parliament approved by a simple majority a motion to refer the Government's draft law on constituency reform to the Constitutional Court for review. The session was boycotted by 29 MPs who support five constituencies and strongly criticize the Government for submitting a draft law whose constitutionality is questionable. The MPs have threatened to "grill" the Prime Minister, a move likely to push the Amir to dissolve Parliament. One contact told Econoff she feared a political crisis could lead to a further decline in Kuwait's stock market. Others, however, noted that a dissolution would lead to national elections in which women could participate, both as voters and candidates, for the first time in Kuwait's history. One result of the constituency debate has been the alliance of liberals and Islamists to promote political reform. Some contacts are chagrined that the level of emotion and rhetoric has surpassed normally-accepted limits of Kuwaiti discourse. End summary.

¶2. (SBU) On May 16, Parliament narrowly approved a motion to refer the Government's draft law on constituency reform to the Constitutional Court for verification of its constitutionality. With Government support, the motion passed by 33 votes, a simple majority of the 65-member Parliament. The session was boycotted by 29 pro-reform MPs after security personnel prevented supporters of a reduction to five constituencies from entering the Parliament building to observe the session. According to a constitutional expert, it is unprecedented to refer a law to the Constitutional Court before it has been ratified by Parliament. No date has been set for the court to review the draft law, but a final verdict could take months and delay passage of any reduction proposal until after the 2007 parliamentary elections.

Pro-Reform MPs Push Government Red Lines

¶3. (SBU) During a contentious session on May 15, 29 MPs heavily criticized the Government for submitting a draft law whose constitutionality was questionable. When the motion came to a vote May 15, the MPs walked out to the applause of spectators, forcing the adjournment of the session (ref A). The 29 MPs have threatened to either grill the Prime Minister or invoke Article 102 of the Constitution, which states, "If the National Assembly decides...that it cannot cooperate with the Prime Minister, the matter shall be referred to the Head of State. In such a case, the Amir may either relieve the Prime Minister of office and appoint a new Cabinet, or

dissolve the National Assembly." Invoking Article 102 would have to be approved by a majority of MPs (25). According to an official at the PM's Diwan, a request to grill the PM, though legal, is unprecedented and would cross the Government's "red lines," likely pushing the Amir to dissolve the Parliament. (Note: Dissolving Parliament is constitutionally legal as long as new elections are held within two months. Parliament was last dissolved in 1999. End note.) The 29 MPs are reportedly scheduled to hold a rally in front of Parliament at 8pm on May 16 to announce their next steps.

14. (C) Many Kuwaiti contacts are concerned that the current standoff will spiral into a political crisis, resulting in the dissolution of Parliament. One senior official at the Kuwait Stock Exchange told Econoff she feared a dissolution would negatively impact the stock market, already reeling from several months of steady decline. Some contacts, however, point out that a dissolution would lead to elections in which women would participate on the national level for the first time since being granted full political rights in May 2005. (Note: Women voted for the first time in a Municipal Council by-election in April. End note.) Others, including a senior advisor to the Amir and a liberal professor who spoke to the Ambassador, regret that this political conflict has become so emotionally-charged.

An Unholy Alliance

15. (C) One result of the battle over constituency reform has been the alliance of liberal and Islamist MPs against the Government and the 18-member Independent (pro-Government) Bloc in Parliament. During the May 15 session, liberal MPs

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like former Speaker Ahmed Al-Saadoun and Chairman of the Foreign Affairs Committee Mohammed Jassem Al-Sager stood side-by-side Islamist MPs like Walid Al-Tabtabaie and Faisal Al-Mislim while addressing supporters of five constituencies observing the session. One Islamist MP told Poloff the alliance between liberals and Islamists to promote political reform was a positive development and one that made the Government nervous.

16. (SBU) (SBU) In a related development, after the May 16 session Islamist MP Faisal Al-Mislim told reporters that Minister of Communications Dr. Ismail Al-Shatti, a senior member of the Islamic Constitutional Movement (ICM), the political arm of the Kuwaiti Muslim Brotherhood, had resigned in protest of the Government's position. Kuwait News Agency (KUNA) later quoted Al-Shatti as denying the resignation. MP Dr. Nasser Al-Sane, one of two ICM MPs, told the press afterwards that the ICM considered itself no longer represented in the Government due to Al-Shatti's position, suggesting he may have refused to resign despite ICM pressure.

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